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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1483rd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 21 February 2017, at 3 p.m.

Chair: Ms. Leinarte

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Combined seventh and eighth periodic reports of Germany (*continued*)

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Germany (*continued*)
(CEDAW/C/DEU/7-8; CEDAW/C/DEU/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of Germany took places at the Committee table.*

Articles 7 to 9 (*continued*)

2. **Ms. Ferner** (Germany) said that, currently, 37 per cent of members of Parliament were women, up from 34 per cent at the beginning of the electoral term. There were no quotas established by law, but all political parties had binding quotas. Quota levels differed among them, however. In her party, the proportion of women had been 40 per cent at the beginning of the electoral term. Eight government ministries were currently headed by women. Under the Federal Act on Gender Equality, all ministries must have a gender equality plan. The plans had to be made available to all staff within six months of their formulation. A gender equality index allowed for continuous monitoring of progress at all staffing levels. In her ministry, the Federal Ministry of Family Affairs, Senior Citizens and Youth, women made up more than 50 per cent of staff at all levels. Other ministries had made less headway towards gender parity.

3. At the municipal level, only 24 per cent of representatives were women, and the proportion of female mayors was even lower. A nationwide network of female municipal politicians provided coaching and mentoring programmes, wherein more experienced women offered advice and support to women with less experience. Some consideration had been given to instituting a parity law at the municipal level, but discussions on the matter were just getting started.

4. The new Act on the Equal Participation of Women and Men in Leadership Positions in the Private and the Public Sector had three pillars. The first applied to about 100 large companies that practised "co-determination", meaning that the membership of their supervisory boards was split between representatives of staff and management. Under the law, such companies were required to ensure that, by the end of 2020, at least 30 per cent of both staff and management representatives were women. A policy was in place to prevent shareholders from electing only men to fill the management seats on the board. Thus far, the law seemed to be working as intended, as all boards appointed since it had entered into force had met the quota for women members. In companies with federal government involvement, the Government had set a 50 per cent quota for the seats it was entitled to fill. Listed companies or companies that had co-determined supervisory boards could also set their own voluntary goals for the percentage of women on their supervisory and management boards. In companies where there was a fixed quota, such goals tended to be more ambitious. An assessment would be conducted after the 2020 deadline to determine whether further legislative measures were needed to ensure the representation of women on company boards.

5. With regard to women in the judiciary, thanks to the "Women into Red Robes" initiative (red being the colour of the robes worn by the highest-level federal judges), women now made up 40 to 50 per cent of newly appointed judges. Women also comprised 40 to 50 per cent of the staff of the diplomatic service. The current Permanent Representative of Germany to the United Nations and other international organizations in Geneva was a woman; she was the first woman to hold the post. The number of women in high-level diplomatic posts was expected to rise as more young women entered the diplomatic service.

6. **Ms. Pamuk** (Germany) said that the Government placed special emphasis on ensuring gender equality when selecting its diplomatic representatives, especially to the United Nations. Its goal was to increase the proportion of women at all levels, including leadership levels. In the Federal Foreign Office overall, 48 per cent of the staff were women. In high-level positions, 31 per cent were women. Among new recruits to the diplomatic

service, 40 to 50 per cent were women. The number of female ambassadors had increased from 21 to 34. With regard to German staff employed by international organizations, out of 529 at the United Nations, 286 (54 per cent) were women; 48 per cent of the German nationals employed by the United Nations Environment Programme were women, while 39 per cent of those employed by the Organization for Economic Cooperation and Development were women. As to German women in leadership positions in international organizations, notable examples were Helga Schmid, Secretary General of the European Union External Action Service, and Ursula Mueller, recently appointed as Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator in the Office for the Coordination of Humanitarian Affairs. The Government promoted international organization careers for young women through the Junior Professional Officers programme. The proportion of women participating in the programme had risen from around 50 per cent to 66 per cent in 2016.

7. **Ms. Ferner** (Germany) said that the law on dual citizenship had been amended. Whereas, before, persons born in Germany who also had another nationality were obliged to choose one or the other when they were between 18 and 24 years of age, now they could keep both nationalities. With regard to compensation for victims of non-physical violence, unfortunately, she could not respond in the affirmative. The Government had hoped to amend the Victims Compensation Act, but she doubted that it would succeed before the end of the current electoral term.

8. **Ms. Blomeyer** (Germany) said that three expert opinions had been commissioned. One was an evaluation of the statistics on intersex persons and another an evaluation by Humboldt University of the procedure for changing name and gender under the Transsexual Act. The latter expert opinion had recommended that the requirement for transgender persons to obtain expert reports should be abolished and the procedure for legally changing gender status simplified. It was true that obtaining the reports required for a change of name or recording of a change of sex could cost as much as €8,000; legal aid was sometimes available to help cover that expense. The third expert opinion, which concerned gender equality in the law, had examined various transgender issues. The study had been published the previous week and would be discussed by the Interministerial Working Group on Intersexuality/Transsexuality, which would then make recommendations.

9. **Ms. Schulz** said that she hoped that due account would be taken of the expert opinions in future legislation.

Articles 10 to 14

10. **Ms. Halperin-Kaddari** said that, while half of doctoral dissertations in Germany were written by women, only one in three women went on to obtain their qualification to teach in higher education (*Habilitation*) and only one in five professorships was held by a woman. Was the State party considering the introduction of any measures to encourage women to pursue academic careers, such as post-doctoral fellowships to enable them to obtain their teaching credential? Women were also underrepresented in the science, technology, engineering and mathematics fields. She wondered whether the State party was considering special temporary measures or other initiatives to increase women's participation in those areas. She would also like to know whether there had been any assessment of the impact of the training tool launched in 2012 to help eradicate stereotypes based on gender, culture and religion in school textbooks and whether the State party had conducted any reviews to ensure that all textbooks and teaching materials used gender-sensitive language and images. The Committee had been informed that lesbian, gay, bisexual, transgender and intersex children often experienced difficulties resulting from stereotyping and stigmatization, not just in relation to their peers but also their teachers. Were there special programmes to sensitize teachers to the reality of such children? Lastly, she wished to know what measures were in place to ensure that all children of asylum seekers and refugees had access to German language courses.

11. **Mr. Bergby**, noting that there continued to be a wage gap of 21 per cent between women and men, said that the Committee welcomed the bill on wage transparency. However, as the law would apply only to businesses with 200 or more employees, it would not benefit most women, who tended to work in smaller firms. He wondered why a

threshold of 200 employees had been chosen and would like to hear the delegation's views on whether the measures envisaged in the law would be sufficient to ensure salary equality for women. He also wished to know what control mechanisms would be put in place under the law and whether an evaluation of its impact was planned. If so, when would it be carried out? The gap in old-age pensions was even larger than the wage gap, owing in part to differences in the types of jobs performed by men and women and to the fact that women often worked fewer hours than men, a phenomenon that reflected men's limited participation in care activities. He wondered whether there should be an adaptation in the financial system for old-age pensions in order to eliminate the gender gap.

12. Germany had taken on great responsibility by receiving a large number of refugees and asylum seekers and was consequently faced with many challenges, one of which was integrating those who would settle permanently in Germany into the workforce. He would like to know what measures the State party intended to take in order to avoid the potential risk that male refugees would be placed in jobs that were currently held mainly by women, which could make it more difficult for women to find work or move from part-time to full-time employment.

13. **Ms. Nwankwo**, stressing the importance of access to contraceptives in reducing unwanted pregnancies, said that the Committee had received information indicating that health insurance typically covered contraception only if it was medically prescribed and if the woman was under 20 years of age. Otherwise, the cost, which could amount to €300 per year, was borne by women themselves. She understood that the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth was supporting a three-year model project to give low-income women access to contraception and that the Municipality of Munich had a similar initiative. She wished to know how many women, including refugees and asylum seekers, were covered by the model project, whether there were plans to extend it and expand its coverage and whether any other municipalities had followed the example of Munich.

14. According to her information, in order to avoid criminal prosecution, women were required to undergo counselling and then wait three days before having an abortion, and the cost of the procedure was covered by insurance only if the pregnancy was the result of rape or if a doctor had determined that it could endanger the woman's life or her physical or mental health. She would welcome information on any plans to cover abortion services under the health insurance system and to eliminate the three-day waiting period and the requirement for counselling, which the World Health Organization considered medically unnecessary and which the Committee deemed discriminatory. Lastly, she noted that undocumented migrants in Germany had difficulty in obtaining health insurance, which limited migrant women's ability to receive reproductive health services. Moreover, they risked detention and deportation if they sought non-emergency care at public health-care facilities. Did the State party intend to amend section 8 of the Residence Act in order to ensure that undocumented migrant women who sought health care were not reported to immigration authorities? What plans were in place to ensure that migrant women and asylum seekers had access to affordable and high-quality health-care services?

15. **Ms. Ferner** (Germany) said that, prior to the adoption of the Integration Act, language courses had been available only to recognized asylum seekers. Now anyone with good prospects of being allowed to remain in Germany had access to integration courses, which included language instruction and vocational training. Refugees' qualifications were evaluated and they were assisted in obtaining equivalent qualifications in Germany. The federal government tried to ensure that all children could attend school, regardless of their immigration status, but its scope of action was limited, as education was the responsibility of the states (*Länder*). Some states had special welcome classes that provided language instruction before a child was enrolled in regular classes, while others integrated children into regular classes straight away and offered after-school language instruction.

16. The Government recognized that the gender pay gap was still far too large. There were many reasons for the disparity and therefore it could not be remedied with a single measure. The introduction of the minimum wage had reduced the gap by 1 per cent and further reductions were expected after the wage transparency law entered into force. However, many women worked in places where working conditions were governed by a

collective agreement that established a wage lower than the minimum wage. In addition, many women worked part-time, which reduced both their wages and their ability to pursue career development opportunities and rise to positions of leadership. The new law on wage transparency was one step among many being taken to ameliorate the situation. It would require employers to pay women the same amount as men doing comparable jobs and would hold them accountable if they failed to do so. The threshold of 200 employees had been agreed as part of a political compromise reached in the face of stiff resistance to the wage transparency bill. However, the Government intended to undertake studies of the situation in companies with fewer than 200 employees as a basis for further action to narrow the wage gap.

17. Pensions were based on earnings over the entirety of a career. Measures were in place to offset women's loss of earnings and ensure that they did not suffer a corresponding loss of pension benefits as a result of dropping out of the workforce or reducing their hours of employment in order to care for their children. Other measures, such as a solidarity pension or a supplementary pension for low-income pensioners who had worked their entire lives known as a "life-achievement" pension were under discussion, but it was unlikely that any agreement would be reached on them during the current electoral term. The issue would, however, remain on the political agenda.

18. Health insurance paid for contraception for women up to 21 years of age. After that, women had to pay for contraceptives themselves, although there were programmes that enabled low-income women to obtain them for free. The state of Berlin, for example, had such a programme. In her view, Germany had one of the best abortion laws in Europe. While women were required to undergo counselling, the decision as to whether or not to proceed with the abortion was left entirely to them. Low-income women could obtain reimbursement for the cost of an abortion.

19. **Ms. Wittenberg** (Germany) said that the states had taken a number of measures to encourage more girls to study mathematics, information science, natural sciences and technology, including special academies and summer camps, information fairs and career counselling. With regard to measures to promote acceptance of gender and sexual diversity, guidelines for gender education had been adopted in 2016 with a view to eliminating gender stereotypes from academic curricula, textbooks and teaching materials and ensuring that training and continuing education for teachers incorporated a gender dimension. All states had reviewed their curricula in the past few years.

20. **Ms. Heinze** (Germany) said that the impact of the wage transparency law would be evaluated every four years. Labour, management and government would take part in the evaluations.

21. **Ms. Haidar** asked whether any measures were envisaged to address the injustice suffered by divorced women from the former East Germany with respect to pension benefits.

22. **Ms. Ameline** said that some German policies, especially the tax policy, did not seem to favour employment and salary equality between men and women or financial autonomy for women. In her view, a more comprehensive approach to the issue was needed.

23. **Ms. Nwankwo** said that she would appreciate a reply to her questions concerning access to health care for undocumented migrant women and the model project to provide contraceptives to low-income women. She would also like to know what measures the State party intended to take to ensure that sterilization was never performed without the consent of the person concerned and what compensation was available to victims of involuntary sterilization. In addition, she wondered whether the morning-after pill was available without a medical prescription.

24. **Mr. Bergby** said that he would appreciate information on the numbers of women who would and would not be covered by the wage transparency law. He would also like to know if any measures were envisaged to address the potential risk that male immigrants might displace women from the workforce. He had noted the delegation's explanation as to why men could not serve as equal opportunity officers, namely that the officers dealt mainly with discrimination against women and only female employees could vote to elect

them. In his view, restricting the position to women sent the wrong signal. Fighting discrimination against women was not a task for women alone; men also had a responsibility.

25. **Ms. Schulz** asked whether any consideration was being given to providing insurance coverage for abortions in all cases and to reviewing the mandatory counselling requirement and the three-day waiting period. She also wished to know whether the State party intended to revise the General Equal Treatment Act in order to include dismissals within its scope, whether any legislation on recognition of the professional qualifications of migrant workers had been adopted and, if so, whether its effect had been positive. Lastly, she welcomed the State party's intention to enact a law intended to guarantee equal pay for work of equal value, but she was curious as to how equal value would be measured. She understood that German courts had upheld some collective agreements that established discriminatory job classification systems. Would the new wage transparency law provide for a standard classification system that was compulsory for all employers?

26. **Ms. Ferner** (Germany) said that the morning-after pill was available without a prescription. The cost of abortion was covered only for low-income women. Others were required to pay for abortions themselves. That provision was the outcome of a hard-won political compromise, and she was not aware of any plans to change it. Asylum seekers and refugees were entitled to basic health-care services under the Asylum Seekers Benefits Act. All women who were pregnant or severely ill had access to medical care, regardless of their immigration status. Access to other health services, such as dental care, was more limited.

27. The Government had not been able to reach any decision about changing current tax policy, although the matter had been discussed. The persistence of the single-breadwinner model, however, was related not only to policies but also to societal ideas. In particular, women in Germany still tended to see themselves as bad mothers if they worked full time and sent their children to a day-care centre. It was true that collective bargaining agreements did sometimes contain discriminatory provisions. However, collective bargaining was a cherished right in Germany and the federal Government would not interfere with the exercise of that right. The wage transparency law would apply to 14 million workers in companies with 200 or more employees; approximately 6 to 6.5 million of that number were women.

28. **Ms. Icken** (Germany) said that, in addition to Munich, Mecklenburg-Western Pomerania and Berlin had initiatives to facilitate access to contraceptives. The model project had been under way for six months. No target had been set for the numbers of women to be covered. Generally speaking, the results of model projects funded by the federal government were used to amend or revise legislation.

29. **Ms. Hentschel** (Germany) said that the efforts were being made at the state level to promote careers for women in higher education institutions. In the state of Berlin, a special programme for that purpose had existed since 2002. In addition, a government-sponsored funding scheme encouraged universities to set targets for the hiring of women. If they met those targets they received additional funding. As a result, the proportion of professorships held by women had more than doubled, rising from 13.5 to 32 per cent.

30. **Ms. Schulz** said that, while there had been an impressive increase in childcare facilities in the State party, insufficient availability of full-day care and schooling, coupled with disincentives in the tax system, continued to create barriers to full-time employment for women. She would like to know whether the State party intended to continue increasing the number of day-care facilities and when it expected to reach full coverage of children under 1 year of age, between 1 and 3 years and between 3 and 6 years, and full-day schools for children over the age of 6. Did the delegation believe that increasing the availability of full-day childcare was likely to change the traditional division of care work between women and men? If not, what else might be done? She also wished to know whether it might be possible to enact legislation to eliminate the tax incentives that encouraged women to take up low-paid part-time jobs. Lastly, she wondered whether the State party planned to further develop the child benefit supplement (*Kinderzuschlag*) as part of its policy to fight poverty, since that allowance appeared to be a more efficient tool for that purpose than the general child cash benefit (*Kindergeld*).

31. **Ms. Gabr** said that she would be interested to know whether the State party currently had any specific programmes to support rural women, what programmes it planned for the future and what steps it was taking to implement the Committee's general recommendation No. 34 (2016) on the rights of rural women? She wondered what use the State party intended to make of the European Agricultural Fund for Rural Development to benefit rural women in Germany and whether any measures had been taken to encourage women to become or remain farmers. She also wished to know whether there were any specific insurance or pension arrangements for widowed women in rural areas and, in general, how the State party envisaged the future for older women and how it would support them, particularly given that women tended to have smaller pensions than men.

32. She welcomed the action plan for persons with disabilities mentioned by the head of delegation in her opening statement, but would like to know more about how the State party was supporting women with disabilities. The State party was to be commended for what it had done to ensure respect for the human rights of refugees, asylum seekers and migrants, in keeping with international norms and standards and with international humanitarian law. She wondered, however, what might be done to expedite the procedures for recognizing refugees and asylum seekers and finalizing their documents. She wished to highlight the need to facilitate the social integration of migrant women and girls, especially those who were Muslim. She would also like to know whether the State party intended to increase its support for NGOs that assisted migrants.

33. **Ms. Ferner** (Germany) said that the provision of childcare, and full-day facilities in particular, would, of course, be increased to meet demand. The number of women participating in the labour market and the number of children in childcare facilities was growing year on year. Across the country, between 95 and 98 per cent of children aged between 3 and 6 year olds were in kindergarten. There was a legal entitlement to childcare for all children over the age of 1; cases had been brought before the courts to exercise that right when there was a lack of childcare places in a given municipality. The municipalities had to uphold that right and make available sufficient childcare places. The federal government provided financial support for infrastructure and operating costs. Combining work and family life became more difficult when children reached school age, as there were not yet enough full-day school places or schools with after-school childcare services to meet demand. However, the states were, to varying degrees, making efforts to expand full-day options.

34. According to the latest figures, there were currently 17 million employees in the country, of which 3.1 million were in marginal employment, known as mini jobs, which represented a slight decrease. Mini jobs were the only category or employment to have been affected by the introduction of the minimum wage; there were now more employment contracts subject to social insurance contributions. There were no plans to amend tax legislation for the time being. Opinion was divided among legal experts: some were of the view that the tax policy by which the spousal income was jointly assessed — by means of "income splitting" — could not be abolished, because it was required under article 6 of the Basic Law, the country's Constitution, while others believed that abolishing it would not necessitate any constitutional amendment. If the rules were to be changed, the decision would come from the Federal Constitutional Court.

35. The country's rural women's association Deutscher Landfrauenverband was a powerful organization that was effective in defending the rights of rural women. The Government endeavoured to support rural women in their activity as farmers. The problem of rural exodus was due to the fact that there were not enough job opportunities for younger people but also that older people sometimes felt that their needs could be better met in urban areas. As there was no representative from the Ministry of Food and Agriculture present at the meeting, her delegation would provide the Committee with additional information on the Government efforts to support rural areas in writing at a later date.

36. Both the farmers' old-age pension provision and the statutory old-age pension insurance were based on contributions, which meant that the pension reflected the entire employment history. As such, the pension system was not set up to compensate for the disadvantages experienced by women in the labour market. It was thus necessary in future to ensure equal levels of employment of women and men so that such disadvantages did not

arise in the first place. As was the case with the mandatory State pension scheme, widows in rural areas were entitled to receive surviving dependants benefits from the old-age insurance for farmers.

37. The federal government had adopted the National Action Plan for Persons with Disabilities in accordance with its obligations under the Convention on the Rights of Persons with Disabilities. The key objective was to ensure participation for persons with disabilities to the extent that they wished and according to their abilities. There was a focus on removing barriers of all kinds, for example in public transportation and public buildings, and enhancing accessibility through the publication of documents in a range of formats and the provision of sign language interpretation services. The states and municipalities had also developed relevant action plans to promote the rights of persons with disabilities.

38. A questionnaire-based procedure for processing claims for asylum had made it possible to approve a large number of applications in a very short time. Now that so many applications had been processed, cases were increasingly being examined on an individual basis, which naturally took a little longer. Civil society was heavily involved in that area; there was a huge number of networks to welcome refugees, which received financial support from the Government. A mentoring programme had been set up by the Ministry of Family Affairs, Senior Citizens, Women and Youth to match locals with refugees and help them settle into their new communities. There was also a smartphone application for that purpose and a range of initiatives developed by civil society and the Federal Volunteers Service.

39. **Ms. Gabr** said that she would be grateful for written information on the action plan for persons with disabilities, specifically the provisions concerning women with disabilities and protection against violence.

40. **Ms. Schulz** asked whether the Government was ready to accept the recommendations made by the German Institute for Human Rights on the situation of women with disabilities in institutional settings. She wondered whether the State party was also making efforts to integrate women with disabilities into areas of the labour market other than sheltered environment and whether the network of women's representatives in institutions was operational and what resources were available to it.

41. **Ms. Ferner** (Germany) said that more information on the National Action Plan for Persons with Disabilities in relation to women with disabilities and the recommendations concerning women with disabilities in institutions would be provided in writing. The Weibernetzwerk association for women and girls with disabilities organized training for staff of institutions on the specific care of women with disabilities and also raised awareness among the women with disabilities themselves of their rights and the support available to them. Efforts were indeed being made to integrate women with disabilities into the mainstream labour market. Sheltered workshops had been set up at a time when it had been almost impossible for persons with intellectual disabilities to be integrated into the mainstream labour market. The situation had changed since then, and there was now a programme of personal assistance for persons with disabilities in mainstream employment. Of course, many companies still had reservations about employing persons with disabilities, but attitudes were changing. A transition period would be required to come up with further solutions, as moving away from sheltered workshops would not necessarily be easy for all persons with disabilities.

42. **Ms. Icken** (Germany) said that there were now 80 women's representatives in sheltered workshops, and Weibernetzwerk was training women's representatives in residential facilities. Realistically, it would take between three and five years for the network to be fully operational.

43. **Mr. Beer** (Germany) said that unfair dismissal was already prohibited under current legislation. The Federal Anti-Discrimination Agency had commissioned an evaluation report that was currently being reviewed; there were no plans to make any amendments to the General Equal Treatment Act until the results of that evaluation were available.

44. **Ms. Hennekes** (Germany) said that, in order to expedite the asylum procedure, in the past year, a number of reception centres had been opened, and there were now

approximately 1,000 case workers who personally interviewed asylum seekers. The goal was to process nearly 450,000 applications by May 2017. With regard to integration, an additional 20,000 teachers had been hired in the past year, and the number of integration courses had also risen substantially. In the first half of 2016 alone, the same number of courses had been run as in the whole of 2015.

Articles 15 and 16

45. **Ms. Halperin-Kaddari** said that she would appreciate more detailed information on the situation of women from former East Germany who had divorced prior to 1991 and had thus been excluded from the pension scheme. The court rulings did not relieve the State of its responsibility towards those women. Would the Government not consider setting up a specific fund to compensate those women for the injustice they had suffered? With regard to the establishment of a compensation fund for intersex persons who had undergone involuntarily surgery, it was disappointing that Germany was not doing more. She would welcome clarification of whether shared custody involving equal time spent between both parents was now the default arrangement. Were there special safety measures to monitor the situation in families in which there had been domestic violence? Were the courts specifically bound by legislation to take into account domestic violence in child custody cases and were there safeguards to ensure that they did not refer couples for mediation in cases of domestic violence? In the light of the statistics on the high poverty risk among single mothers and the large proportion of children who did not receive any or all of the child maintenance to which they were entitled, it was regrettable that the Government had not acted on the Committee's previous recommendation to conduct a study on the economic consequences of divorce on both parents, particularly women. She would be grateful for further information on the amendments to the law on child maintenance mentioned in the opening statement that were aimed at protecting single-parent households in the event that the parent responsible for making maintenance payments failed to do so. She asked whether the legal definition of marital assets to be distributed upon divorce included the husband's future earning capacity and increased human capital.

46. **Ms. Ferner** (Germany), referring to the women who had divorced in former East Germany, said that there were several groups that felt that they had been discriminated against under the pension system. All of those cases had been ruled on by the competent courts at the national level. The law on divorce had been amended in the former West Germany in the 1970s, moving from the principle of fault to that of irreconcilability, under which all pension rights acquired during the marriage were combined and divided in two. For West German couples that had divorced prior to that amendment, the entitlement to maintenance or pension rights had been dependent on who had been at fault. In both cases, it had all depended on whether the women had divorced by the cut-off date. The merging of the two pension systems had been extremely complex, and the matter continued to be discussed, but no agreement had yet been reached in the Government in relation to the establishment of a fund for hardship cases.

47. With regard to the compensation fund for victims of irreversible operations, an interministerial working group was still holding consultations on the matter, and she could therefore not give a definitive answer on that subject.

48. Shared custody did not necessarily mean that the children spent exactly half their time with each parent, but rather that all important decisions concerning the child's upbringing must be taken jointly by the parents. Sole custody could be granted if it was in the child's best interests, for example in cases of violence or abuse. A review was currently being conducted to identify whether joint custody might be counterproductive in some cases. The amendments to the law on maintenance payments would enter into force in July 2017. Further information on the distribution of marital assets would be provided in writing.

49. **Ms. Böke** (Germany) said that parents received support from the Youth Welfare Office in relation to shared custody arrangements, and, if they could not reach an agreement, they could refer the case to the family courts. Domestic violence was, of course, taken into account by the courts in both custody and contact arrangements.

50. **Ms. Ferner** (Germany) said that she wished to thank the Committee for the very interesting discussion, which would spur her country on in its efforts to strengthen women's rights in Germany and around the world.

51. **The Chair** said that the Committee was grateful to the delegation for the constructive dialogue. It commended the State party on its efforts and encouraged it to take all necessary measures to implement the Committee's recommendations.

The meeting rose at 5.05 p.m.

United Nations CEDAW/C/SR.1484

Convention on the Elimination of All Forms of Discrimination against Women

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7 March 2017

English only

Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1484th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 22 February 2017, at 10 a.m.

Chair: Ms. L[illegible]narte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Sri Lanka

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Sri Lanka (CEDAW/C/LKA/8; CEDAW/C/LKA/Q/8 and Add.1)

1. *At the invitation of the Chair, the delegation of Sri Lanka took places at the Committee table.*

2. **Ms. Senarathne** (Sri Lanka), introducing her country's eighth periodic report (CEDAW/C/LKA/8), said that unprecedented political developments had recently taken place in Sri Lanka. Two years previously, for the first time since the country had gained its independence, the two main political parties had come together to form a national unity Government. As a result, many bold steps had since been taken in the fields of human rights, reconciliation and economic development.

3. Sri Lanka had demonstrated its commitment and political will to improve the situation of women. As a multi-ethnic and multi-faith country, Sri Lanka faced many challenges, and the scourge of terrorism had affected all spheres of life. The effects of the conflict on women had been particularly severe. In response, the Government had given priority to issues relating to the rights and welfare of women, in particular those affected by the conflict, and had adopted a multisectoral approach.

4. **Ms. Jinasena** (Sri Lanka) said that policy directives relating to women's rights and national programmes for the prevention of discrimination against women were based firmly on the Convention and on the guarantees set out in article 12 (2) of the Constitution. For that reason, the lack of a specific law transposing the Convention into domestic law had not prevented women from seeking redress for violations of the rights set forth therein. The Convention had been made available in the two national languages, Sinhala and Tamil.

5. Article 126 of the Constitution established that the Supreme Court had sole and exclusive jurisdiction to hear and determine any question relating to the infringement or imminent infringement by executive or administrative action of any fundamental right. Article 27 (6) of the Constitution, which established the State's obligation to guarantee equality of opportunity and prevent exploitation, was one example of a provision reflecting the rights set forth in the Convention. In addition to the Constitution, other legislative acts had been passed to give effect to the provisions of the Convention. They included the amendments made to the Penal Code in 1995, 1998 and 2006; the 2003 Citizenship Amendment Act; the 2005 Prevention of Domestic Violence Act; new regulations introduced under the Education Ordinance in 2016; the 2015 Assistance to and Protection of Victims of Crime and Witnesses Act; and the 1998 Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act.

6. The Government was currently considering proposals to draft a new Constitution, which would subsequently be put to a referendum, if required. In that connection, special attention would be paid to the chapter on fundamental rights, and consideration would be given to the inclusion of a section on women's rights in that chapter.

7. The chapter on women's rights in the National Human Rights Action Plan for 2017-2021 included a number of provisions relating to the rights set forth in the Convention in areas such as violence against women, abortion, women heads of household, employment and education. While progress had been made in empowering women, further efforts were needed to bring the realization of gender equality into line with international standards.

8. The Sri Lankan legal system was a combination of Roman-Dutch law, English common law and customary personal laws. The Government was addressing concerns raised regarding a number of discriminatory provisions in the personal laws. In 2009, a 16-member committee, which had included female members of the Muslim community, had been appointed to propose amendments to the Muslim Marriage and Divorce Act and improve the system of Quazi courts. In addition, following consultations with various stakeholders, the Ministry of Women and Child Affairs had also issued recommendations in that regard, which were being considered by the relevant Cabinet subcommittee.

9. It was expected that the recent increase in the minimum school leaving age from 14 years to 16 years would encourage girls to continue their education and thereby discourage early marriage. In addition, the Government had repealed the discriminatory provisions that had prevented Sri Lankan women from passing their nationality to their children on an equal footing with Sri Lankan men.

10. **Ms. Gunasekera** (Sri Lanka) said that, in line with the Committee's general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, Sri Lanka had prioritized issues such as redress for enforced and involuntary disappearance, the right to the truth, socioeconomic empowerment and support for women affected by conflict. An Office of Missing Persons had been set up, and mechanisms relating to justice, reparations and truth-seeking were being developed. Furthermore, the Government had established an Office for National Unity and Reconciliation, headed by former President Chandrika Bandaranaike Kumaratunga.

11. In September 2016, the Cabinet had approved an action plan for female-headed households. It provided for legal aid and mediation mechanisms targeting affected women in the north and the east, offered a comprehensive definition of female-headed households and prioritized six key programming areas. The Government was determined to address the specific needs of such women and to that end was working with the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Population Fund and other international bodies, as well as civil society organizations and bilateral partners. A national centre for the empowerment of widows and female-headed families had been set up in Kilinochchi in 2015. Since 2009, the Government had been implementing several livelihood and income-generation programmes to protect the economic and social rights of women, in particular women heads of household in the north and the east.

12. Regarding the difficulties faced by women in relation to landownership, a draft amendment to the Land Development Ordinance was being finalized. On 6 August 2016, the Cabinet had approved the National Policy on Durable Solutions for Conflict-Affected Displacement, which targeted the most vulnerable groups, including women heads of household.

13. Measures to combat violence against women and girls were being implemented under an action plan based on an analysis of the phenomenon. The recommendations of that analysis had also been incorporated into the Policy Framework and National Plan of Action to address Sexual and Gender-based Violence in Sri Lanka, adopted in 2016. Also in 2016, Sri Lanka had endorsed the Declaration of Commitment to End Sexual Violence in Conflict.

14. While the Government had provided the Committee with statistics on cases of violence against women, it had been unable to collect data disaggregated by category of victim or suspect, and it was in need of support for capacity-building in that regard. A pilot project to introduce a digital database for recording complaints of violence against women had been implemented in the Thimbirigasyaya Divisional Secretariat, and a secure database connecting police headquarters with police stations had been set up to gather detailed data in real time.

15. Sri Lanka had a robust health-care system that included programmes to prevent sexual and gender-based violence and support survivors. Health-care facilities and staff provided both institutional and field-based care to women and children across the country. The Government provided counselling, legal aid and shelters to victims of sexual and gender-based violence.

16. The Ministry of Law and Order had been established to create a more responsive and accountable police service. The Ministry of Women and Child Affairs was working with 42 children's and women's desks in the police service to deal promptly with cases of sexual and gender-based violence. The Sri Lankan police had deployed 279 female police officers to children's and women's desks in the north and the east, and efforts were under way to recruit 200 female Tamil-speaking police officers for those areas.

17. The Government had taken measures to prevent trafficking in persons. In June 2015, Sri Lanka had become a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention

against Transnational Organized Crime. A task force had developed a strategic plan to monitor and combat human trafficking for the period 2015-2019.

18. **Ms. Senarathne** (Sri Lanka) said that the empowerment of rural women was a priority and that women had a vital role to play in efforts to achieve the Sustainable Development Goals. The Government continued to implement microfinance initiatives for the self-employment of rural women. In December 2015, it had decided that at least 25 per cent of State project funds should be invested in initiatives to improve the rural economy and facilitate the economic participation of rural women.

19. Sri Lanka had achieved gender parity at the primary, secondary and tertiary educational levels. The Government continued to promote accessibility and equality in education by providing free education from the primary to the undergraduate level. Women made up the majority of students at university and in non-vocational tertiary education. The Government acknowledged that a gender imbalance remained in technology-related fields, and the Education Sector Development Programme for 2013-2018, supported by the Asian Development Bank, was aimed at improving the situation. The Government was also committed to addressing gender stereotypes through gender mainstreaming and the inclusion of gender in school curricula. Greater efforts nevertheless needed to be made to increase women's economic participation and political empowerment.

20. The Prime Minister had issued a directive for the establishment of day-care centres at workplaces with a view to promoting the employment of women. In addition, 600 day-care centres were being set up in the plantations sector under the Early Childhood Development Project, which was supported by the World Bank, and guidelines had been developed to upgrade existing centres and train their staff.

21. **Mr. Aryasinha** (Sri Lanka) said that, since 1976, the employment of Sri Lankans abroad had generated substantial flows of income into the country. Owing to government intervention to reduce the migration of unskilled labour, the rate of female emigration had begun to decline in 2007.

22. An increasing number of women occupied high- and mid-level managerial positions in the public and private sectors and participated in the formulation of government policy at all levels. Sri Lankan women served as secretaries of ministries and heads of diplomatic missions and in the judiciary. The nineteenth amendment to the Constitution stipulated that the Constitutional Council responsible for making appointments to high-level positions should strive to achieve a gender balance. As part of the constitutional reform process, more than 300 women had provided opinions before the Public Representative Commission.

23. Sri Lanka had granted women the vote in 1931, had first elected a woman to its legislative assembly in the same year and had been the world's first country to have a female prime minister. However, women remained underrepresented in legislative bodies, and the Government was making efforts to remedy the situation. In 2016, for example, the Local Authorities Elections Act had been amended to provide for a quota of 25 per cent for women candidates in local government elections.

Articles 1 to 6

24. **Ms. Hayashi** said that, in the context of the constitutional reform process, she wished to know whether consideration had been given to the current absence of provisions prohibiting direct and indirect discrimination against women, the issue of intersectional discrimination based on gender and caste, the inclusion of sexual orientation among the prohibited grounds of discrimination and the fact that article 16 of the Constitution allowed laws that contravened the Convention to remain in force and did not provide for judicial review. She also wished to know the time frame for the proposed referendum and the constitutional reform process as a whole.

25. Clarification was needed regarding the status of the most recent National Human Rights Action Plan. In particular, it would be helpful to learn whether it had been officially publicized and had entered into force and whether the State party planned to consolidate the various overlapping action plans and programmes into a single policy document with the necessary budget, benchmarks and monitoring mechanisms. Further information on the

measures to be taken under the National Human Rights Action Plan to repeal discriminatory provisions would be welcome. Lastly, she wished to know how the State party planned to improve women's access to justice, in particular with regard to the provision of affordable legal services in both national languages.

26. **Ms. Patten** asked how the Government had responded to reports of a pervasive climate of fear in the northern and eastern parts of the country, including reports of harassment, violence and unjustified surveillance, in particular targeting women. Were there plans to change the institutional culture that promoted such practices? She wished to know what steps had been taken to demilitarize the north and to ensure that the military was no longer involved in civil administration and that women had access to livelihood opportunities. As the statistics provided by the State party showed that almost 50 per cent of the sexual offence complaints received between 2011 and July 2016 were still under investigation, it would be helpful to know what specific measures had been taken to complete the investigations and prosecute the alleged perpetrators. She would be grateful for an update on the 39 sexual violence cases involving the military that had been reported to the Human Rights Committee in 2014. Were there plans to conduct comprehensive mapping of all pending criminal investigations relating to habeas corpus and fundamental rights petitions and the findings of all inquiries in which specific cases had been identified?

27. She wished to know what specific measures had been taken to create an environment more conducive to the reporting of cases of sexual violence, whether the Government took a zero-tolerance approach towards sexual violence perpetrated by the armed forces and police and, if so, whether monitoring mechanisms had been put in place. Furthermore, it would be useful to learn whether consideration had been given to the possibility of reviewing and amending the 2015 Assistance to and Protection of Victims of Crime and Witnesses Act to incorporate better safeguards for the independence and effectiveness of the victim and witness protection programme. She also asked how the Government planned to ensure the independence and integrity of senior government officials appointed to the Victim and Witness Protection Division.

28. **Ms. Jinasena** (Sri Lanka) said that the Constitution, domestic law and other procedural laws ensured the compliance of Sri Lanka with its international obligations. The Government was convinced that existing provisions were sufficient to protect the rights set forth in the Convention.

29. Article 12 of the Constitution established the right of all persons to equal protection under the law and prohibited discrimination on the grounds of race, religion, language, caste, sex, political opinion or place of birth. It also allowed special provision to be made, by law or executive action, for the advancement of women, children or disabled persons. Under article 27, the State was obliged to ensure equality of opportunity to all citizens and to establish a society in which the fundamental rights and freedoms of all persons could be realized.

30. Various legislative amendments had been made to ensure compliance with the Convention. The Penal Code, for example, had been amended to establish a mandatory minimum sentence for various offences, including rape, procuring and trafficking in persons. Furthermore, in its verdict on case No. SC/FR/No. 76/2012, in which it had granted relief to a woman who had suffered discrimination, the Supreme Court had referred to the obligations of Sri Lanka under the Convention; several other cases involving discrimination were pending.

31. **Ms. Manatunga** (Sri Lanka) said that, as detailed in paragraphs 14 to 20 of the replies of Sri Lanka to the list of issues (CEDAW/C/LKA/Q/8/Add.1), the National Human Rights Action Plan for 2017-2021 had been adopted in January 2017 and covered the repeal or review of a number of discriminatory laws and various other legislative amendments.

32. **Ms. Gunasekera** (Sri Lanka) said that the Prime Minister had taken a leading role in efforts to address the issue of sexual and gender-based violence. Data-collection mechanisms needed to be improved, and work was under way to digitize the process for registering complaints.

33. **Ms. Patten** said that she would be grateful for a response to her question on the efforts being made to combat impunity. In that connection, she drew attention to the reports of the former Special Rapporteurs on extrajudicial, summary or arbitrary executions, Philip Alston and Christof Heyns, and the graphic footage broadcast by *Channel 4 News*. Furthermore, while the enactment of the Office of Missing Persons Act represented a positive step, the delegation should comment on reports that the Government was seeking to weaken its provisions, in particular those relating to international cooperation. In addition, in the light of Human Rights Council resolution 30/1 (2015), she wished to know the Government's current position on the establishment of a special court and the participation of international judges, prosecutors, investigators and lawyers in the transitional justice process. She would welcome an update on the status of the report prepared by the Consultation Task Force on Reconciliation Mechanisms and the implementation of its recommendations. Was the Government committed to defending the report against attempts by some government officials to discredit it?

34. **Ms. Hayashi** said that, when the State party had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights, it had enacted legislation to reflect the rights set out in those instruments. However, it had enacted no such legislation in relation to the Convention. The National Human Rights Action Plan contained recommendations for a series of new provisions, but a specific law should be introduced to ensure that those provisions were indeed established. In her view, the introduction of such a law would not be worthwhile unless article 16 of the Constitution was repealed.

35. **Ms. Halperin-Kaddari** asked whether a gender component had been incorporated into plans for the hybrid special court to be set up as part of the transitional justice process and what measures had been taken to increase the participation of women in the process of reforming the customary personal laws.

36. **Ms. Rana** asked what specific measures had been taken to increase the participation of women and civil society in the national peacebuilding and reconciliation process and national planning processes. The Committee would be grateful for an update on the progress made towards the adoption of the draft national action plan on the implementation of Security Council resolution 1325 (2000) and subsequent Security Council resolutions on women and peace and security. It would be helpful in particular to learn whether consultations had already been held with provincial councils, district secretaries and the community. In addition, she wished to know the Government's position with regard to the militarization of the land in the north and east of the country and whether the review of the Land Development Ordinance would cover land-grabbing by the military.

37. **Ms. Schulz** asked whether a woman who had been discriminated against under a legislative provision and who exercised her constitutional right to apply to the Supreme Court in respect of the infringement of a fundamental right by executive or administrative action could obtain redress in the form of annulment of that provision, and whether sexual orientation would be added to the list of constitutionally prohibited grounds of discrimination. Lastly, she expressed concern at the length of time taken to introduce legislative amendments, as many of the legislative issues discussed during the consideration of the previous periodic report of Sri Lanka had still not been resolved.

38. **Ms. Haidar** said that, regarding the transitional justice process, she wished to know whether there was sufficient political will to facilitate the secure and confidential testimony of witnesses from abroad and whether consideration had been given to the use of letters rogatory, as victims were currently deterred from coming forward by the requirement to testify at a Sri Lankan embassy, which risked compromising their anonymity.

39. **Mr. Aryasinha** (Sri Lanka) said that, while some initiatives had not been fully implemented, Sri Lanka had nevertheless made great advances in the sphere of women's rights, in particular over the previous two years. Since the end of the conflict, the Government had gradually and systematically restored civil administration in the affected areas. Under the nineteenth amendment to the Constitution, the police department operated under the National Police Commission, on which women were represented. In addition, the zero-tolerance approach to gender-based violence and torture had been strengthened in

recent years. Measures had been taken to ensure that substantiated allegations were thoroughly investigated. As detailed in paragraph 46 of the replies of Sri Lanka to the list of issues (CEDAW/C/LKA/Q/8/Add.1), instructions had been issued to law enforcement officials regarding the rights of arrested and detained persons and the action that would be taken against persons found to have perpetrated human rights violations.

40. The Government had issued a standing invitation to special procedures mandate holders. Over the previous few years, around five had visited the country, two or three further visits had been scheduled, and several other requests were being processed. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence had offered assistance in an informal capacity and had made several visits to the country. Special procedures mandate holders were granted unfettered access to all areas, and some of them had noted that the country's detention centres were not a cause for concern. The recommendations received from special procedures mandate holders were studied carefully.

41. The Government could not investigate allegations of sexual and gender-based violence perpetrated by the security forces unless it had full access to the relevant evidence. One NGO that had highlighted allegations had refused to hand over such evidence. Similarly, the *Channel 4 News* team had refused a request to hand over the original footage from which its programme had been assembled, and the veracity of the allegations thus could not be confirmed.

42. With regard to transitional justice mechanisms, the Government had embarked on an inclusive process in line with Human Rights Council resolution 30/1 (2015), with the aim of ensuring the right to truth, justice and guarantees of non-recurrence. The Office of Missing Persons had been established in August 2016, and provision would also be made for a truth-seeking commission, a judicial mechanism with a special counsel and an office for reparations. Furthermore, a secretariat responsible for coordinating the reconciliation mechanisms had been set up in 2016. Its work had included consulting experts and securing the required training and capacity-building. The Government would examine allegations of sexual violence through the proposed mechanisms. Further updates would soon be provided to the Human Rights Council. The Consultation Task Force on Reconciliation Mechanisms had been set up to seek the views of the public with regard to the design of the mechanisms. It was headed by a woman, and 6 of its 11 members were women. It had completed a round of consultations and had submitted a report containing recommendations.

43. It was important to note that the truth-seeking and reconciliation process was currently at an early stage. Thus, while the Government would certainly be grateful for further assistance and support, criticism of its work to date would be not only premature, but also counterproductive.

44. **Ms. Jinasena** (Sri Lanka) said that victim and witness protection was provided by an authority established under the Assistance to and Protection of Victims of Crime and Witnesses Act. The authority was considering 14 requests for protection filed under the Act, which also provided for legal aid through a network of lawyers available to assist victims.

45. **Ms. Rana** said that despite the considerable number of national action plans in place on various aspects of human rights and the advancement of women, there had been significant delays in the establishment of a national commission for women, which had been in the pipeline for several years. She wished to know the status of the bill for the establishment of the commission, when the bill was likely to be adopted, what authority the commission would have, how adequate financial and human resources would be secured to enable it to function effectively, and how its independence would be guaranteed. She also wished to know how the commission would be appointed, and to what degree civil society representatives had been involved in finalizing the bill.

46. While she welcomed the Government's plan to establish a gender mainstreaming committee with gender focal points in each ministry, she expressed concern that existing committees and programmes were underfunded and asked how those new committees would be financed. How would tasks relating to women's advancement be divided among the ministries, and how would policy coherence be achieved? She asked how the gender focal points would be appointed, what their role would be and what authority they would

have. Given the general lack of funding, she wondered whether a consolidated action plan for the advancement of women would in fact be a more practical approach.

47. The Committee was concerned about reports that the Government's plan to decriminalize homosexuality had been abandoned on grounds of culture and that the National Human Rights Action Plan had been adopted without consultation with the national Human Rights Commission or civil society. She asked whether there was a monitoring mechanism in place to oversee implementation of the Action Plan.

48. **Ms. Song**, welcoming the State party's efforts to institute temporary special measures to increase gender equality, in particular the establishment of quotas to enhance women's political participation at the local level, asked whether the impact of those measures had been assessed and whether any obstacles to their implementation had been encountered. She wished to know whether the State party intended to incorporate quotas for women's political participation into law and whether similar measures would be instituted to increase women's political participation at the national level. She asked whether there were any other areas, in addition to political participation, where further temporary special measures might be required to ensure de facto equality for women.

49. **Ms. Senarathne** (Sri Lanka) said that the various action plans addressed different aspects of human rights and women's advancement, each of which could be implemented by the relevant ministry, while all of those aspects were brought together under the National Human Rights Action Plan. An independent steering committee would be established to oversee and coordinate implementation of the various plans. Quotas for women's participation in politics had only been set at the local level. The Government hoped that if participation was encouraged at the local level, participation at the national level would follow naturally in due course.

50. **Ms. Gunasekera** (Sri Lanka) said that temporary special measures were introduced when the need arose. A special recruitment effort had been made, for example, to employ Tamil-speaking female police officers in the civil defence forces. Challenges had arisen, however, owing to a dearth of qualified candidates.

51. **Ms. Rana** asked which officials would be on the steering committee to oversee implementation of the National Human Rights Action Plan, and what monitoring mechanisms were in place.

52. **Ms. Senarathne** (Sri Lanka) said that she would chair the steering committee, the membership of which would comprise ministerial secretaries. The allocation of funds for the implementation of the action plans would be monitored by the budget department, and the implementation of activities would be monitored by the relevant ministries.

53. **Ms. Manatunga** (Sri Lanka) said that each of the draft plans on individual thematic areas, which had been compiled to form the National Human Rights Action Plan, had been submitted to the national Human Rights Commission for its consideration. The Commission's comments and recommendations had been incorporated before the final draft consolidated action plan had been submitted to the Cabinet for approval.

54. **Ms. Acosta Vargas** asked, with respect to the State party's efforts to change societal attitudes and address gender stereotypes in education, the media and the entertainment industry, whether any specific activities had been conducted with civil society groups and women's associations to raise awareness of the prevailing culture of discrimination against women. She requested clarification with regard to the State party's intention to redefine the "head of household" concept in gender-neutral terms.

55. During situations of civil war, the persistence of traditional gender stereotypes could undermine women's access to justice and foster a culture of impunity. That culture still prevailed in the State party. The Committee was particularly concerned to note that police and judicial authorities often expressed contempt for women who filed complaints of violence and discrimination. The high tolerance for women's suffering was a stark demonstration of inequality. Many authorities appeared to accept the idea that women should be little more than slaves to their husbands and should be expected to provide sexual favours in exchange for the services they needed, even those of a public nature. What steps, in addition to routine training, were being taken to change those patterns of conduct, and

what punitive measures had been taken against officials who were supposed to protect the public but had worsened the situation of women by perpetuating stereotypes?

56. **Ms. Vall Verges** expressed concern that little progress had been made in the prevention of violence against women over the reporting period. Legislation on violence against women had been adopted but was not being implemented. There were significant delays in the consideration of complaints in domestic violence cases, with the result that complainants often became discouraged and withdrew their complaints. Social support for victims was inadequate and data on violence were not disaggregated and therefore did not present a clear picture of the situation. Action to implement the Committee's previous recommendations had been lacking; in particular, no substantial efforts had been made to improve women's access to justice, which was impeded by traditions and customs that allowed women to seek justice only with their husbands' permission. The marked increase in violence against women since the end of the civil war was particularly alarming. Training programmes offered by the authorities for the reintegration of female former combatants into the labour market were rife with gender stereotypes. She asked what was being done to rectify all those problems.

57. **Ms. Jahan** asked when the planned legislative reform to address trafficking in persons would take place, what obstacles were impeding the implementation of new laws and policies, and whether the new legislation would include specific gender components. She wished to know how adequate human and financial resources were provided to government authorities working to address trafficking in persons and to the National Anti-Human Trafficking Task Force. The low rates of investigation, prosecution and punishment of traffickers exposed a serious legal gap that must be bridged. She asked what would be done to ensure that such offenders were prosecuted for trafficking and not for procuring, which carried lighter penalties. Were officials being trained in victim identification, and were procedures in place to prevent the deportation of foreign victims of trafficking? Allegations of official complicity in trafficking were particularly serious and must be addressed. Women migrant workers and internally displaced persons were especially vulnerable to trafficking. She wished to know what measures were in place to protect them and to monitor the patterns of employment of such workers. What was being done to tackle the root causes of trafficking?

58. The situation with regard to prostitution and sexual exploitation, and in particular the misuse of the Vagrants Ordinance to arrest women, who were often then mistreated, was especially worrying. She requested updated information on the measures taken to repeal the Vagrants Ordinance. The involvement of officials in sexual bribery, in particular in militarized zones, was very serious and must be addressed. She wished to know if the Bribery Act would be amended to include a specific reference to the offence of sexual bribery.

59. **Ms. Gunasekera** (Sri Lanka) said that many households in Sri Lanka were headed by women. It was imperative to set standards whereby the term "head of household" was viewed as gender-neutral and to move away from patriarchal standards and assumptions. Many women sought to migrate to countries of the Gulf Cooperation Council in search of employment; often they were heads of household.

60. The Government took matters of gender mainstreaming and awareness-raising very seriously. Challenges persisted, however. The Cabinet was responsible for setting up gender mainstreaming programmes in all ministries to ensure gender equity in policy formulation and implementation and promote gender budgeting. In order to minimize sexual harassment and gender-based discrimination in the workplace, a gender focal point would be appointed in each ministry.

61. Efforts were being made to change societal attitudes and overcome stereotypes. Gender had been mainstreamed in school curricula from the primary level onward, and steps were being taken to eliminate stereotyping in the entertainment industry and the mass media.

62. **Ms. Jayasuriya** (Sri Lanka) said that sexual and gender-based violence was an unfortunate fact of life throughout Sri Lanka, and women had become particularly vulnerable in the post-conflict era. The Prime Minister's office had taken a strong stance on

violence against women, and the police had been empowered to tackle the problem. The lack of specific data on victims, perpetrators and types of crime had been an impediment to progress. Efforts were being made to gather the relevant data. The Prevention of Domestic Violence Act was being amended, medical and psychosocial support were being provided to victims and legal provisions enabled third parties to institute cases.

63. Police officers were being trained in the sensitive handling of gender-based violence and in human rights-based policing. Revisions to the law on abortion were being considered. Measures had been taken to increase the number of police officers who spoke local languages, in particular Tamil, and more female police officers had been deployed in the northern part of Sri Lanka. Several perpetrators of sexual bribery had been convicted through the work of the Commission to Investigate Allegations of Bribery or Corruption.

64. On the prevention of trafficking in persons, she said that an interministerial anti-trafficking task force had been established, and some 1.5 million rupees had been allocated to setting up a shelter for victims. While trafficking in persons was defined as an offence under the Penal Code, trafficking offences were difficult to prove. The Ministry of Foreign Employment was taking action to regulate employment subagents at the regional level. Poverty and lack of empowerment, however, continued to prompt people to migrate from Sri Lanka in search of employment. Standard operating procedures for handling cases of trafficking were being followed with the support of the International Organization for Migration. Joint action was being taken in the region to protect migrant workers through the Colombo Process. The most recent ministerial meeting in that context had culminated in a commitment to promote women's empowerment and protection. The Government was doing its utmost to improve communication with labour-receiving countries in the Gulf Cooperation Council, with the aim of eliminating the risk of migrant abuse.

65. **Ms. Patten** said that while the measures taken to promote good governance and national reconciliation were welcome, progress remained worryingly slow. Violence against women, in particular in the north and east of the country, remained prevalent. The Committee was particularly concerned about reports that widows and family members of the disappeared and women activists working on their behalf were asked for sexual services in return for information about their loved ones. She asked what was being done to eliminate sexual bribery and to address intimidation and harassment by the criminal investigation authorities, particularly against women who were former combatants. The Committee had also received reports of sexual abuse of women who were being given vocational training by military personnel. What measures were being taken to eliminate and prevent such abuse?

66. **Ms. Jahan** asked to what extent the Government had benefited from hearing about the experiences and best practices of other countries in addressing trafficking in persons, through the regional consultations of the Colombo Process. She expressed concern that measures to prohibit the migration of domestic workers under the age of 23 to the Middle East could in fact serve to encourage illicit migration and trafficking. She asked what monitoring measures were in place to ensure that young women were not victimized as a result of that prohibition. She wished to know whether sexual bribery and the appropriate penalties would be included explicitly in the Bribery Act.

67. **Ms. Acosta Vargas** said that the issue of heads of household was not gender-neutral; the vulnerability of women heads of household must be acknowledged, particularly in the context of conflict and post-conflict reconstruction. She asked whether civil society groups and women's associations were involved in efforts to change societal attitudes and address negative patterns of behaviour that affected women. During the post-conflict transitional period, women were suffering the most. She would welcome further information on how public officials who acted on the basis of prejudice and stereotypes, in particular law enforcement officers, would be sanctioned. The Committee had been informed that the average time taken to consider a domestic violence case was 10 years in the case of adult victims, and that judicial procedures were preceded by mediation panels in which religious authorities tried to dissuade women from proceeding with their cases. She asked whether the State party had any intention of changing that system.

68. **Ms. Vall Verges** asked what amendments were being made to legislation in order to prevent domestic violence. She would appreciate further information on the prevalence of rape, the number of rape cases reported and the number of convictions.

69. **Ms. Hayashi** asked for the Government's views on the provision of compulsory counselling to victims of domestic violence. In northern Sri Lanka, land-grabbing by the military when taking up civil administrative duties had caused large-scale displacement. She wished to know what was being done to demilitarize those areas and ensure the restitution of land and rights, in particular to women.

70. **Ms. Schulz** asked what measures were in place to protect sex workers against violence and whether there was a clear time frame for the repeal of the Vagrants Ordinance. She also asked whether the State party intended to amend the Penal Code and trafficking legislation with a view to decriminalizing consensual sex work and stopping the conflation of trafficking, sexual exploitation and sex work.

71. **Ms. Halperin-Kaddari** asked whether the State party planned to amend the Penal Code to decriminalize sexual activity between two consenting adults of the same sex.

72. **Ms. Jinasena** (Sri Lanka) said that a committee had been appointed to draft a new Constitution for consideration by Parliament. Seven subcommittees had been set up to oversee the treatment of particular thematic areas in the new draft. The subcommittee responsible for fundamental human rights had engaged in comprehensive consultations on sexual orientation, and had proposed that sexual orientation should be included in the list of prohibited grounds of discrimination. That proposal was under consideration.

73. **Ms. Jayasuriya** (Sri Lanka) said that the requirement to obtain family background reports when women wished to migrate had been introduced in good faith for the protection of women's families, particularly since many potential migrant workers came from remote areas and were low-skilled workers. Efforts were being made to provide training for those women, with a view to generating a productive, skilled workforce and encouraging them to seek employment opportunities in Sri Lanka. With regard to trafficking, a digitized complaint system had been set up and a shelter for victims had been established at Colombo airport, which provided psychosocial support for victims. The Government was committed to the Colombo Process and the Abu Dhabi Dialogue. In that context, efforts were being made to provide pre-departure orientation and prevent undocumented migration. Demilitarization was under way, but was a gradual process, in the course of which land was being released from military control.

74. **Ms. Gunasekera** (Sri Lanka) said that amendments to the Prevention of Domestic Violence Act had been drafted by legal experts, with an emphasis on repealing discriminatory provisions on the credibility of evidence given by women. The proposed amendments had been submitted to the Ministry of Justice for appropriate action. Delays in the disposition of cases did indeed affect victims and posed a perennial problem owing to the sizeable caseload. The Chief Justice had issued a directive for trials to be taken up on a day-to-day basis. Consideration was also being given to the establishment of a special court to deal with cases involving child abuse.

75. **Ms. Senarathne** (Sri Lanka) said that a draft action plan for the implementation of United Nations Security Council resolution 1325 (2000) on women and peace and security was being prepared through a comprehensive consultation process at all levels of the national administration. The action plan would address sexual violence and armed conflict, the participation of women in political and public life, gender mainstreaming in the security forces and poverty alleviation among women affected by war, among other issues. The rehabilitation of former combatants was taken very seriously, and female former combatants were given priority in social programmes, with particular efforts to retrain them and give them access to higher education and the labour market. Considerable efforts were being made to overcome the social stigma attached to former combatants, with support from neighbouring countries, in particular the Government of India.

Articles 7 to 9

76. **Ms. Song** said that women's participation in political and public life was both a goal and a strategy in the area of gender equality. A critical mass of women in leadership positions was crucial, yet women remained severely underrepresented in politics in the State party. She asked for information on the root causes of such low levels of participation and on the changes that would be made to the electoral system to address them. She wondered to what extent the women's caucus, established in Parliament in 2006, had been successful and what difficulties had been encountered in meeting the goal of achieving a 30-per-cent increase in women's representation in Parliament, provincial councils and local government. She also asked whether women in the diplomatic service received adequate training opportunities to facilitate their upward mobility, and how many of the State party's ambassadors were women.

The meeting rose at 1 p.m.